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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ROBERT LEE LYONS AND
BECKY LEE LYONS

CIVIL ACTION NO. 06-2064

JUDGE MINALDI

VERSUS

MAGISTRATE JUDGE METHVIN

STATE FARM FIRE AND CASUALTY
COMPANY AND/OR STATE FARM
INSURANCE COMPANIES

JURISDICTIONAL REVIEW RULING


Defendant removed this case from a local state court alleging that this court has diversity jurisdiction under 28 U.S.C. §1332. The undersigned has reviewed the pleadings to determine whether the \$75,000 jurisdictional amount has been met.

Plaintiffs allege that they purchased a homeowner's policy from defendant which was in effect on September 23 and 24, 2005, when Hurricane Rita struck and on June 19, 2006, when a severe storm struck Calcasieu Parish. Plaintiffs allege that the policy provided coverage of \$130,200.00 for their dwelling, \$13,030.00 for dwelling extensions, \$97,725.00 for personal property, and actual loss sustained for plaintiff's loss of use of the covered property. Plaintiffs allege that the covered property sustained severe damage, including foundation shift, water and sewer line fractures. Plaintiffs state that defendant has paid \$18,339.03 for damages due to Hurricane Rita. Plaintiffs ask for penalties and attorneys' fees pursuant to La.R.S. 22:658, 22:658.2 and 22:1220, which potentially include a 50% penalty on the amount found to be due from State Farm and twice the damages sustained, plus damages for mental anguish, inconvenience, worry and stress. The plaintiffs have asked for a jury trial in state court, which requires a minimum amount in controversy of \$50,000.

Considering the foregoing, the requisite jurisdictional amount has been established.

Accordingly, no additional briefing is required.

Signed at Lafayette, Louisiana, on November 10, 2008.



Mildred E. Methvin
United States Magistrate Judge
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